

Maya Kol  
 Reg. No. 61613-065  
 FDC SeaTac  
 P.O. Box 13900  
 SeaTac, WA 98198

FILED ENTERED  
 LODGED RECEIVED  
 DEC - 5 2001 DM

AT SEATTLE  
 CLERK U.S. DISTRICT COURT  
 WESTERN DISTRICT OF WASHINGTON  
 BY DEPUTY

IN THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF WASHINGTON

Maya Kol,  
 A# 25-292-264,

Petitioner,

v.

JOHN D. ASHCROFT, Attorney  
 General; UNITED STATES  
 IMMIGRATION AND NATURALIZATION  
 SERVICE, and ROBERT S. COLEMAN,  
 JR., District Director, Seattle  
 District,

Respondents.

NO. 017

C01-1986 Z

PETITION FOR WRIT OF HABEAS  
 CORPUS BY A PERSON IN FEDERAL  
 CUSTODY PURSUANT TO 28 U.S.C.  
 § 2241

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 DEC 14 2001 DM

AT SEATTLE  
 CLERK U.S. DISTRICT COURT  
 WESTERN DISTRICT OF WASHINGTON  
 BY DEPUTY

1. Name and location of place of confinement:

Federal Detention Center, SeaTac, 2425 S. 200th Street, SeaTac,  
 Washington 98198, pursuant to a contractual arrangement with my  
 custodian, the INS District Director at Seattle, Washington.

2. Name and location of court causing confinement:

INS District Director, Seattle, Washington.

3. Case Name and Number: [INS file number, if known]  
 A# 25-292-264

4. Date of judgment of conviction: [Date of Order of Confinement]  
 INS Custody: August 6, 2001; INS Order of Removal: September 5, 2001

5. Sentencing Date: N/A



3

1 6. Sentence: N/A

2  
3 7. Sentencing Judge: N/A

4 8. Nature of offense or offenses for which you were convicted: N/A

5  
6 9. What was your plea: N/A

7  
8 10. Kind of trial: N/A

9 11. Did you testify at trial? N/A

10 12. Did you appeal from the judgment of conviction or sentence?

11 [Any administrative review?]

12 13. If you did appeal, list the court to which you appealed:

13 (a) Name of Court: [or administrative tribunal]:

14 (b) Result:

15 (c) Date of Result:

16 14. Did you seek any further review?

17  
18 15. List the court(s) to which you sought further review?

19 (a) Name of Court: [or administrative tribunal]:

20 (b) Nature of Review:

21 (c) Result:

22 (a) Name of Court: [or administrative tribunal]:

23 (b) Nature of Review:

24 (c) Result:

25 16. Other than a direct appeal from the judgment of conviction and  
26 sentence, have you previously filed any petitions, applications,  
27 or motions with respect to your confinement  
28 in any court, state or federal?  
No.

17. GROUND FOR RELIEF:

A. My indefinite detention by respondent INS is in violation of my rights to procedural and substantive due process, as guaranteed by the Fifth Amendment to the United States Constitution.

B. My indefinite detention by respondent INS is in violation of the six-month limitation set forth in former 8 U.S.C. §§ 1252(c) and (d).

C. The substantive provisions of AEDPA and IIRIRA may not, consistent with their terms and with due process requirements, be given retroactive effect in my case.

D. Because I am seeking relief related only to my custody status, which is not inconsistent with an order of deportation, exhaustion of administrative remedies, if any, is not required.

E. My detention is unconstitutional, because I am not a flight risk, and I do not present a danger to society.

F. My detention is unconstitutional, because I am not an aggravated felon.

G. My indefinite detention is unlawful because the INS has no statutory authority pursuant to 8 U.S.C. § 1231(a)(6) to indefinitely detain me, because my removal cannot be effectuated in the foreseeable future. Zadvydas v. Davis, 121 S.Ct. 2491 (U.S. June 28, 2001) (No. 99-7791).

H. I was taken into INS custody on August 6, 2001. I was ordered deported to Cambodia on September 6, 2001. I waived my appeal of that order. My order of deportation became final on September 6, 2001. As of today's date, the INS has not been able to effectuate my removal. I have done everything the INS has asked of me to try to get travel documents, and will cooperate fully in any requests that they have for information that will help that process. However, it is my belief that my home country, Cambodia, will categorically deny me travel documents no matter what I do or say, because there is currently no formal or informal agreement between the United States and Cambodia and there is nothing I can do to facilitate that diplomatic process.

I.

J.

18. Do you have any petition or appeal now pending in any court or administrative body as to the claims raised above? ☒

19. Have you exhausted your administrative remedies with respect to the claims raised above?

See 17(D), above.

1 20. State the administrative remedies that you pursued?

2 (a) Nature of Review:

3 (b) Result:

4 (a) Nature of Review:

5 (b) Result:

6 (a) Nature of Review:

7 (b) Result:

8  
9 21. Give the name and addresses, if known, of each attorney who  
represented you in the following stages of the underlying  
judgment:

10 (a) At preliminary hearing: N/A

11 (b) At arraignment and plea: N/A

12 (c) At change of plea: N/A

13 (d) At trial: N/A

14 (e) At sentencing: N/A

15 (f) On appeal: N/A

16 (g) In any post-conviction proceedings: N/A

17 (h) On appeal from any adverse ruling in post conviction  
18 proceedings: N/A

19 (i) Other:

20 (j) Other:

21 22. Do you have any future sentence to serve after you complete the  
22 sentence imposed by the underlying judgment in your case? *NO*

23 23. If you are seeking leave to proceed in forma pauperis, have  
24 you completed the sworn affidavit setting forth the required  
25 information?  
26 Yes.  
27  
28

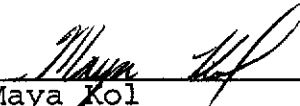
PRAYER FOR RELIEF

Based upon the illegal and unconstitutional actions listed above, I request that the Court grant my petition and direct respondent to release me from custody, as well as any other relief to which I may be entitled in this proceeding under 28 U.S.C. § 2241.

I verify, under penalty of perjury, that the foregoing information is true and correct to the best of my recollection.

Dated: 9-12-01, 2001.

Respectfully submitted,

 [SIGN NAME]  
Maya Kol  
No. 61613-065  
FDC SeaTac  
P.O. Box 13900  
SeaTac, WA 98198-1090

In Propria Persona